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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,
9
10 Plaintiff,

11 vs.

12 LATONIA SMITH.,

13 Defendants.

) Case No.: 2:19-cr-00304-RFB-VCF

) **STIPULATION AND ORDER TO**
) **CONTINUE TRIAL DATE (FIRST**
) **REQUEST)**

14 IT IS HEREBY STIPULATED AND AGREED, by THOMAS C. MICHAELIDES,
15 counsel for the Defendant, and Assistant United States Attorneys STEVEN MYHRE, counsel for
16 the United States of America, that the calendar call currently scheduled for January 21, 2020
17 at 1:30 p.m. and the the Jury Trial scheduled for January 27, 2020 at 9:00 a.m. be vacated and
18 continued for a period of ninety (90) days.

19 The Stipulation to continue is entered into for the following reasons:

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- 21
- 22 1. Attorney for Defendant Smith has been recently retained and needs additional time to
- 23 review discovery and conduct factual investigation.
- 24
- 25 2. Attorney for Defendant Smith needs additional time for further evaluation of the
- 26 evidence for purpose of trial preparation and potential negotiations.
- 27
- 28 3. The additional time requested herein is not sought for purposes of delay, but merely
- to allow counsel for the Defendant sufficient time, in light of the above, within which

1 to be able to effectively and thoroughly review the evidence in the above-captioned
2 matter in order to prepare for trial or resolve the matter..

3
4 4. Additionally, denial of this request for continuance could be a miscarriage of justice.

5 The additional time requested by this stipulation is excludable in computing the time
6 within which the trial herein must commence pursuant to the Speedy Trial Act, §
7 3161(h)(7)(A), considering the factors under Title 18, United States Code §§
8 3161(h)(7)(B)(i) and 3161(h)(B)(iv).

9
10 5. This is the First request to continue the trial date.

11
12 DATED this 16 TH day of January, 2020

13 /s/ Thomas C. Michaelides

DATED this 16 TH day of January, 2020

/s/ Steve Myhre

14
15 _____
16 THOMAS MICHAELIDES, ESQ.

17 Attorney for Defendant

15 _____
16 STEVE MYHRE, ESQ.

17 Attorney for Plaintiff

18
19 Submitted by:

20 TCM LAW GROUP

21
22
23 _____
24 /s/ Thomas Michaelides
25 THOMAS C. MICHAELIDES, ESQ.

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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 **UNITED STATES OF AMERICA,**

13 **Plaintiff,**

14 **vs.**

15 **LATONIA SMITH.,**

16 **Defendants.**

Case No.: 2:19-cr-00304-RFB-VCF

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER**

17 **FINDINGS OF FACT**

18 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
19 Court finds that the continuance is necessary for the following reasons:

- 20 1. Attorney for Defendant Smith has been recently retained and needs additional time to
21 review discovery and conduct factual investigation.
 - 22 2. Attorney for Defendant Smith needs additional time for further evaluation of the
23 evidence for purpose of trial preparation and potential negotiations.
 - 24 3. The additional time requested herein is not sought for purposes of delay, but merely
25 to allow counsel for the Defendant sufficient time, in light of the above, within which
26 to be able to effectively and thoroughly review the evidence in the above-captioned
27 matter in order to prepare for trial or resolve the matter..
- 28

1 4. Additionally, denial of this request for continuance could be a miscarriage of justice.

2 The additional time requested by this stipulation is excludable in computing the time
3 within which the trial herein must commence pursuant to the Speedy Trial Act, §
4 3161(h)(7)(A), considering the factors under Title 18, United States Code §§
5 3161(h)(7)(B)(i) and 3161(h)(B)(iv).
6

7 5. This is the First request to continue the trial date.
8

9 **CONCLUSIONS OF LAW**

10 The ends of justice served by granting said continuance outweigh the best interest of the
11 public and the defendant in a speedy trial, since the failure to grant said continuance would be
12 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
13 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
14 account the exercise of due diligence. The continuance sought herein is excusable under the
15 Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(7)(A), when the considering the
16 factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and (iv).
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ORDER

IT IS THEREFORE ORDERED that the Calendar Call scheduled for January 21, 2020 at 1:30 p.m. in the above referenced case be continued no more than ninety (90) days and will be rescheduled for the ____ day of _____, 2020., and Jury Trial scheduled for January 27, 2020 at 9:00 a.m. in the above referenced case be continued no more than ninety (90) days and will be rescheduled for the ____ day of _____, 2020.

DATED this _____ of January, 2020.

RICHARD F. BOULWARE II
UNITED STATES DISTRICT JUDGE